IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.436 OF 2002
IN
COMPANY PETITION NO.895 OF 2002

M/s.Aakar Leasing and Financial
Services Ltd. .. Applicant

Vs.

1. Official Liquidator of
Liquidator of M/s.Amar Dyechem Ltd.
(in liquidation) & Anr. .. Respondent

Shri A.W.Ansari with Shri B.B.Parekh for the applicant

Ms.K.V.Gautam Dy.Official Liquidator present

CORAM : S.U.KAMDAR, J

DATED : 17th MARCH 2005

P.C.:

1. The applicant herein is objecting to the decision of the Official Liquidator of grant of one months notice pay. On the aforesaid ground he is claiming that the Official Liquidator be directed to readjudicate the claim of the workers. The issue of one months notice pay has been considered by the learned single Judge of this court in Company Application Lodging No.224 of 1999 in Company Petition No.404 of 1986 and in the said the court has directed the Liquidator to grant pay of

one months notice period to the workers.

2. In view of aforesaid order passed by the learned Single Judge in the aforesaid matter I do not find any substance in the contention of the learned counsel for the applicant and in view thereof I reject the said application. Apart from the aforesaid judgment of the learned single Judge I am of the opinion that under section 445(3) what is provided is that the order of winding up would be deemed to be notice of discharge to the employees of the company but in my opinion that does not mean that workers are not entitled for any notice pay though under the terms and conditions of their appointment they are entitled to the same. In view thereof there being no merits in the application the same is dismissed with no order as to costs.